\* DEPUTY FONING COMMISSIONER \* OF BALTIMORE COUNTY

Clendo Pennington, et ux pet it ioners 

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Polificners herein request a variance from Section 1801.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building and window to tract boundary setback of 15 feet each in lieu of the required 30 feet for a building and 35 feet for a window for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by Clendo Pennington, appeared and testified. Also appearing on behalf of the Petition were Dianna Hoffman, Petitioners' daughter, and Paul Ewell, Registered Land Surveyor. There were no Protes-

Testimony indicated that the subject property, proposed to be known as 4102-A Oak Road, is part of the property known as 4102 Oak Road which consists of 1.3905 acres zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners are desirous of subdividing their property to create three lots and developing Lots 2 and 3 with individual dwellings as depicted on Petitioner's Exhibit 1. Mr. Ewell testified on behalf of Petitioners that the relief requested is necessary due to the narrow width the property. Testimony further indicated that all other setback and building requirements can be met by the proposed development and that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Petition for Variance

to the Zoning Commissioner of Baltimore County 92-167- A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1 BC 2 To PERMIT A BLOG TO TRACT

OF 15' 14 LIEU OF THE REQUIRED BLDG (30) AND

DOUE TO THE CHITIETRIC SHAPE OF THE PROPERTY IT WOOLD BE IMPOSSIBLE TO SUBDIOLOSE

LIDUE IN THE CELLULIEUR SHAPE OF THE PROPERTY OF ULCOUNTY THE PROPERTY WOOLD JUYTO IS OR MORE LOTS. 2 MITHOUT THE VERY ENGLE THE PROPERTY WOOLD BE WAS BLE TO BE EVED TOOD BYSINGE THE FIRST SUBMITTAL (SEPT. 14,1990) TIME AND EXSPENSE HAS BEEN GREAT PUE TO ADDITIONAL COUNTY NEEDS LEGGIFLOOD STUDY FELLO RON TOPO, ADDITION DRAWINGS AND THIS VARIANCE.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Property is to be posted and advertised as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the

following reasons: (indicate hardship or practical difficulty)

MOUNTERT OF IS AND A WINDOW TO TRACT BOUNDARY SERONG

An area variance may be granted where strict application of the moning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

!) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $\frac{2\pi^{-1}}{2}$  day of November, 1991 that the Petition for Zoning Variance from Section 1801.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building and window to tract boundary setback of 15 feet each in lieu of the required 30 feet for a building and 35 feet for a window for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

difficulty for an area variance, the Petitioner must meet the following:

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition. 2) The relief granted herein is limited to proposed Lots 2 and 3 of 4102 Oak Road, also known as 4102-A

1) The Petitioners may apply for their building

permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that pro-

ceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

and 4102-B Oak Road.

92-167-A

Beginning at a point on the west side of Oak Rd., 140.03 South and opposite Maple Ave, Thence running N 48° 17 '50' E 264.68 it, thence N 41°42' 10" E 77.41 pl. thence S 48° 17 50" W 100 ft. thence N 41 42 10" E 65.7 ft. thence N 48° 17' 50" E 140.20 thene to the foint of beginning, Alse Known as No, 4/02-A (Lot #2) in the resubdivision of Lot #3) + in the subdivision of Penning ton Property and located in the 13th Election District.

Zoning Description

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Case Number: 92-167-A W/S Oak Road, 140' S and opposite Maple Avenue (Lot #2)4102-A Oak Avenue (3th Election District 1st Councilmanic Petitioner(s): Clendo and Mildred Variance: to permit a building to tract boundary setback of 15 feet and a window to tract bound-ary setback of 15 feet in lieu of the

required building (30 feet) an window (35 feet) for Lot No. 2

LAWRENCE E. SCHMIDT

**CERTIFICATE OF PUBLICATION** 

THIS IS TO CERTIFY, that the annexed advertisement was publish ed in the ARBUTUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication

t 60.32

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on \_\_

THE JEFFERSONIAN.

5 60.32

Baltimore County Government Zoning Commissioner office of Planning and Zoning

-111 West Chesapeake Avenue Towson, MD 2120 r

887-3353

November 27, 1991

Mr. Clendo Pennington 4102 Oak Road

Baltimore, Maryland 21227

Case No. 92-167-A

RE: PETITION FOR ZONING VARIANCE W/S Oak Road, 140' S and opposite Maple Avenue (4102-A Oak Road) 13th Election District - 1st Councilmanic District Clendo Pennington, et ux - Petitioners

Dear Mr. Pennington:

TMK:bjs

cc: People's Counsel

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner

for Baltimore County

**Baltimore County** Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

TO BUILD HE METRIC LETTE. A P. JOHNAS VARIABLE - 1967 T016L: \$35.00

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Baltimore County
Zoning Commission
Launty Office Realding Zoning Commisioner County Office Building 111 West Chesapouke Avenue iwson, Maryla..d 21204

Account. R 001 6150

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Please Make Checks Payable To: Baltimore County

Cashier Validation

Contract Purchaser/Lessee:

(Tyne or Print Name)

City and State Attorney's Telephone No.:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDER RECEIVED, FOR FILING 

RECEIVED FOH

Clouds Learning a MILORGO PENINING TONZ.
(Type or Print Name) Mildred Dennington

1/We do solemnly declare and affirm, under the penalties of perjury, that 1/we

are the legal owner(s) of the property

CLENDO PENNINGTON

which is the subject of this Petition.

1102 OAK ROAD 636-6588 BALTO, CO., 10, 21227

ESTIMATED LENGTH OF HEARING -1/2HR. (+1HR. AVAILABLE FOR HEARING
HON./TUES./WED. - NEXT THO HONGHS

Date of Posting Color 15- 1991

Clerule and Milded Demington Location of property: W/5 Cale Road, 141'5 and apposite Mugice Grina (Jot # 2) 4102 Cak Road Location of Signe De Alexand 4112 Cake Road

Date of return: Monember 1, 1991 Number of Signe: \_\_\_\_\_

The Zoning Commissioner of Ballimore County, by suthority of the Zoning Act and Regulations of Ballimore County will hald a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesepeake Avenue in Towson, Maryland 21204 as follows: Case Number: 92-167-A
W/S Oak Road, 140' S
and opposite Maple Avenue
(Lot #2/4102-A Oak Avenue
13th Election District
1st Councilmanic
Petitioner(s):
Clendo and Mildred
Pennington
Hearing Date: Tuesday,
Nov. 19, 1991 at 9:00 a.m. Variance: to permit a building to tract boundary setback of 15 feet and a window to tract boundary setback of 15 feet in lieu of the required building (30 feet) an window (35 feet) for Lot No. 2 LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Bellimore County
A/J/10/333 October 31.

NOTICE OF HEARING

31.4

Petitioner(s): Clendo and Mildred Pennington

HEARING: TUESDAY, NOVEMBER 19, 1991 at 9:00 a.m.

Pear Petitioner(s):

Please be advised that \$85.32 is due for advertising and posting of the above captioned THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Lawrence E. Schmidt ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

111 West Chesapeake Avenue

Towson, MD 2120 i

and Development Management Other of Planning & Zoning

- 111 West Chesapeake Avenue Towson, MD 2120)

\*TOBER 22, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore county will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Baltimore County Government

Office of Zoning Administration

Case Number: 92-167-A W/S Oak Road, 140' S and opposite Maple Avenue (Lot #2) 4102-A 9ak Road 13th Election District - 1st Councilmanic Petitioner(s): Clendo and Mildred Pennington HEARING: TUESDAY, NOVEMBER 19, 1991 at 9:00 a.m.

variance to permit a building to tract boundary setback of 15 feet and a window to tract boundary setback of 15 feet in lieu of the required building (30 feet) and window (35 feet) for Lot No. 2.

Zoning Commissioner of Baltimore County

cc: Clendo Pennington, et ux

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

887-3353

Your petition has been received and accepted for filing this 8th day of October, 1991.

Received By:

Petitioner: Clendo Pennington, et ux Petitioner's Attorney:

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887 (500)

OCMOTER 24, 1991

Arnold Jablon Tirector Zoning Administration and Develorment Management Baltimore County Office Fuildirg Tovson, MP 21204

EF: Property Owner: CIPPTO DENETHOROU

#4]02-A OAK FOAD

Ttem No.: 174 Foning Agenda: OCTOPER 22, 1991

Centlemen:

Pursuant to your request, the referenced projectly has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Frevention Fureau has no comments at this time.

Fire Frevention Pureau

JP/KEK

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120±

November 4, 1991

Mr. & Mrs. Clendo Pennington 4102 Oak Road Baltimore, MD 21227

> RE: Item No. 174, Case No. 92-167-A Petitioner: Clendo Pennington, et ux Petition for Variance

Dear Mr. & Mrs. Pennington:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Zoning Administration and Development Management

Zoning Item #174, Zoning Advisory Committee Meeting of

October 22, 1991, Clendo Pennington, et ux, W/S Oak Road, 140'

S and opposite Maple Avenue, Lot 2, (#4102-A Oak Road), D-13,

In order to subdivide this property, the owner or developer will be

required to comply with the subdivision regulations of the State of Maryland

and Baltimore County. If there are any questions regarding the subdivision

process, please contact the Land Development Section at 887-2762.

Arnold Jablon, Director

Public Water and Sewer

COMMENTS ARE AS FOLLOWS:

SSF:rmp

174\_ZNG/GWRMP

DIVISION OF GROUND WATER MANAGEMENT

October 23, 1991

887-3353

Zoning Plans Advisory Committe Coments Page 2

> Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

> Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

> > Very truly yours,

Samuel Commence of the same

Zoning Plans Advisory Committee

Enclosures

JED:jw

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 8, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Pennington Property, Item No. 174 and 175

In reference to the Applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

THK

ITMS174.5/TXTROZ

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 6, 1991

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

12-167-A NOJ.

Z.A.C. MEETING DATE: October 22, 1991

This office has no comments for item numbers 124, 166, 167, 168, 169, 173, 174, 175, 176, 179, 180, 181, 182, 184, 186, 187, 188 and 189.

Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991 Zoning Administration and Development Management FROM: Robert W. Bowling, P.E.

RE: Zening Advisory Committee Meeting for October 22, 1991

93-167-A

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 124, 167, 168, 169, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-466).

For Item 166, we will have no comments until the County Review Group Meeting.

For Item 171, see our County Review Group comments dated October 10, 1991.

For Items 174 and 175, minor subdivision review comments were prepared for this site, dated October 9, 1990.

Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedures.

For Item 182, no comments are necessary on density

Developers Engineering Division

RWB:s

transfer.

CLENDO PENNINGTONI 4102 OAK. Rd. BALTIMORE Md. 212-29 Dianna Hoffman Soughton Surveyor 5313 East Druic Ballo Mel 21227

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